

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UMAR ALLI,

Plaintiff,

-against-

DEPUTY D. MOORE, DEPUTY RAMOS, OFFICER
McCABE, SECURITY OFFICER HARRIS, SECURITY
OFFICER MUNDY, SECURITY CAPTAIN
THOMPSON, CITY OF NEW YORK, WARDEN OF
O.B.C.C., DORA SCHRIRO, HILDY J. SIMMONS,
RICHARD T. WELCH, MICHAEL D. REGAN,
KENNETH T. ARMSTEAD, LARRY DAVIS,
FLORENCE FINKE, LEWIS FINKLEMAN, MICHAEL
HOURIHANE, CORRECTIONAL HEALTH
SERVICE/PRISON HEALTH SERVICES, and JOHN
DOES 1 THROUGH 9, OFFICER REESE, CAPTAIN
MEDINA, CATHY POTTER,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/19/16

14 Civ. 6597 (AT) (KNF)

ORDER

On December 21, 2015, the Court issued an order dismissing this action, having been advised by Defendants that the parties had reached a settlement agreement. Order of Dismissal 1, ECF No. 77. On May 22, 2016, Plaintiff moved to reopen the case, arguing that the parties had in fact never reached a final, enforceable agreement. Letter Mot. 1-2, ECF No. 83. The same steps were taken in the other two cases which were allegedly resolved by the same December agreement. *See Alli v. Pedlar*, No. 14 Civ. 10257 (RA) (JLC) (S.D.N.Y. dismissed Dec. 18, 2015); *Alli v. Warden of A.R.N.D.C.*, No. 12 Civ. 3947 (GBD) (GWG) (S.D.N.Y. dismissed Dec. 18, 2015).

Having reviewed the parties' letters, the Court concurs with the Honorable Ronnie Abrams that the oral agreement is not enforceable and that the untimeliness of Plaintiff's motion should be excused. *See* Memorandum Endorsement, *Pedlar*, No. 14 Civ 10257 (S.D.N.Y. July 18, 2016), ECF No. 77. For the reasons stated in Judge Abrams's order, Plaintiff's motion is GRANTED.

The Clerk of Court is directed to reopen the case.

SO ORDERED.

Dated: August 19, 2016
New York, New York



ANALISA TORRES
United States District Judge